

**PLANNING BOARD
TOWN OF WILBRAHAM**
240 Springfield Street
Wilbraham, Massachusetts 01095

Jeffrey Smith, Chairman
John McCloskey
Tracey Plantier
David Sanders
James Moore, Associate



John Pearsall, Planning Director
Heather Kmelius, Adm. Asst.

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**MINUTES OF THE WILBRAHAM PLANNING BOARD
WEDNESDAY, JUNE 22, 2016**

In attendance: Jeffrey Smith, Chairman
John McCloskey
Tracey Plantier
David Sanders
James Moore, Associate

Staff: John Pearsall, Planning Director
Lance Trevallion, Building Inspector
Heather Kmelius, Administrative Assistant

Chairman Smith called the meeting to order at 6:00 PM and asked those assembled in the room to proudly join the Planning Board in the recitation of the Pledge of Allegiance.

1. Approval of Minutes

Chairman Smith called for a motion to approve the minutes of June 1, 2016 and asked if there were any comments or revisions. A numerical address typo was corrected.

MOTION (PLANTIER, MCCLOSKEY): I move that the Board approve the minutes of the June 1, 2016 Planning Board meeting as amended. Approved (4-0).

2. Citizens Open Forum

No citizens took advantage of the open forum opportunity.

3. Building Commissioner's Report

Building Commissioner Lance Trevallion provided updates on various building development and zoning enforcement issues in town. Building Commissioner Trevallion reviewed the family day care zoning enforcement issue regarding 57 Bartlett Avenue. The Gores intend to file an application with the ZBA in response to the last enforcement letter. Discussion about the deteriorated condition of 2765 Boston Road, which has been vacant for approximately thirty years, took place with speculation of possible future plans for the property. Wilbraham Wine & Spirits, the business located adjacent to the abandoned home located at 2771 Boston Rd., has concerns about the overgrown property and the safety problems it imposes on the parking lot accessibility for its patrons and employees. The Board discussed bringing the issue to the attention to the Board of Selectmen, the Health Inspector/Board of Health and the DPW to research options to secure the abandon property.

4. **Appointment – Edward Cenedella, HWRSD Director of Facilities and Operations**
Proposed Minnechaug Regional High School Accessory Storage Building
Land of HWRSD, 16R Willow Brook Lane

The HWRSD Director of Facilities and Operations, Ed Cenedella, presented plans to the Board to erect a 6,000 square foot storage building with three overhead doors and some regular passage doors on land recently donated to HWRSD. The building will solely be used for storage needs including storing surplus materials from the construction of the new high school that were left for future use. The proposed building location encroaches on land subject to the jurisdiction of the state Natural Heritage Program and project approval is contingent on state review. Planning Director John Pearsall stated that this is an accessory building to the school's educational use with no immediate residential abutters and therefore an appropriate candidate for expedited review without the need for a formal public hearing. Chairman Smith concurred and stated that outdoor lighting should not be put on the backside of the building.

MOTION (PLANTIER, SANDERS): I move that the Board grant the applicant's request for expedited review of the proposed detached accessory storage building for the existing educational use by hereby granting site plan approval and waiving the need for further review as provided for in section 13.5.1.2 of the Zoning By-Law. Approved (4-0).

5. **Appointment – Daniel Fernandes**
Site Plan Approval (SPA16-02) – Proposed Seasonal Farm Stand
Bennett Tree Farm, 802 Glendale Rd.

Daniel Fernandes presented his plans to have a small seasonal road side farm stand selling blueberries, raspberries, pumpkins, flowers, etc. primarily grown on site. There were no abutters present in response to the notification letter that was distributed regarding the proposed farm stand. The Board reviewed the site plans and photos and did not have any issues to discuss. Chairman Smith asked that the farm stand patrons be given signage instructions not to back out of the driveway due to the busy road and high speed of travel along Glendale Road. Mr. Fernandes stated that they intend to use the "turnaround" that was used previously when Bennett's Tree Farm operated at this location and agreed to add the signage.

MOTION (PLANTIER, MCCLOSKEY): I move that the Board grant the applicants' request for expedited review and site plan approval of the proposed roadside farm stand as a minor seasonal agricultural use including a waiver from the public hearing requirement as provided for in section 13.5.1.2 of the Zoning By-Law and subject to conditions of approval contained in the draft Notice of Decision dated June 22, 2016. Approved (4-0).

6. **Public Hearing (Continued)**
Special Permit (SP16-02) Detached Barn/Garage
Valentine Residence, 212 Springfield Street
(Digitally recorded)

Chairman Smith opened the public hearing at 6:46 PM as a continuance of the June 1, 2016 hearing in this matter as a site walk was deemed necessary. Mary Valentine, along with her attorney, appeared to present plans to replace the detached barn on her property that burned down on July 1, 2015. The proposed new structure measuring 51 feet by 72 feet will be located atop the existing footprint but will be larger than the previous structure as Ms. Valentine would like ample space to accommodate her dog agility training arena and training equipment as well as storage for her RV.

The Board walked 212 Springfield Street as well as the abutting property of 200 Springfield Street on June 15, 2016. The Board confirmed that electricity will be the only installed utility in the new barn. The Board stated that the newly planted trees are growing quickly and will assist in covering the barn from the neighbor's perspective. The barn is only about one foot taller than the former structure so the trees should provide feasible camouflage. Chairman Smith approved of the landscaping maintenance and asked that Ms. Valentine be diligent with her irrigation management. Ms. Valentine shared that she has added four new trees since June 1, 2016 and she has two more on order. She also showed pictures of her property to confirm the propane tank was recently removed.

Attorney Mark Beglane, representing Janine McGahan, resident of 200 Springfield Street, challenged the accessory structure's size and use according to the Town By-Laws. Concerns about future "mission creep" and adherence of any conditions assigned with this special permit were also discussed. Ms. McGahan is unhappy with the industrial size and metal building materials of the proposed barn, the number of garage doors on the barn, and the location of the barn on the property.

Ms. Valentine stated that she is rebuilding this structure with the insurance money she received from the fire and that the funds are not sufficient to rebuild with wood. The footprint of the former barn is the ideal location for the new structure as not to disrupt her stone patio and herb garden. She is making significant efforts to rebuild the barn in the same style and design as previously used with exceptions made to suit her personal needs. The Board was asked to please reference the June 20, 2016 memorandum from Ms. Valentine's counsel, Rebecca Thibault address to the Planning Board for review before making a decision in this matter.

Chairman Smith stated that the Board has sufficient information regarding this matter to review and issue a decision and asked for a motion to close the public hearing.

MOTION (PLANTIER, MCCLOSKEY): I move that the Board close the public hearing. Approved (5-0, with Mr. Moore serving as the Alternate Voting Member).

The public hearing concluded at 7:22 PM.

Later in the evening the Board deliberated on the special permit application and revised a draft notice of decision prepared by the Planning Director and Chairman of the Planning Board to address concerns raised by one of the abutters to the project.

MOTION (SMITH, PLANTIER): I move that the Board grant special permit SP16-02 subject to conditions of approval contained in the draft Notice of Decision dated June 22, 2016 as amended. Approved (5-0, with Mr. Moore serving as the Alternate Voting member).

7. **Public Hearing (Continued)**
Special Permit (SP16-03) Detached Garage
Esteves Residence, 16 Iroquois Lane
(Digitally recorded)

Tracey Plantier recused herself because of potential conflict of interest concerns as a non-abutting resident of the Indian Ridge Estates development under discussion. Ms. Plantier relocated from the Board seating area to the audience seating area and declared that she was representing herself and not acting in her capacity as a member of the Planning Board.

The hearing was opened at 7:24 PM as a continuance to the June 1, 2016 hearing in this matter. Following the site walk in this matter that took place on June 15, 2016, the Board was forced to acknowledge the unauthorized excessive tree cutting by Mr. Esteves that has made the proposed shed site, located significantly outside of his building envelope, more visible to the neighbors.

The Board agreed this is a very unique development and affirmed that its role in this matter is in no way to serve as an enforcement of the neighborhood covenants. Mr. Esteves presented downsized shed plans that do not require approval for its size. The Board's attention is focused on the location of the new proposed shed, also the same footprint of the current standing shed, is located outside the building envelope. The 24 foot by 20 foot shed would only require a building permit. Attorney Brian Fitzgerald, representing Mr. Esteves, challenged the version of the definition of the building envelope that was being used and interpreted in this matter. Planning Director John Pearsall stated that Indian Ridge was the first Flexible Subdivision created and approved in town in 1987. Over time, the Planning Board has revised its definition of building envelope. He further stated that the current definition of a building envelope in this matter is not applicable. He stated that the building envelope definition in place reflects the intent of the Special Permit issued by the Planning

Planning Board. Attorney Fitzgerald also challenged the applicability of the Ridgeline and Hillside District restrictions as it did not exist at the inception of the development. Mr. Esteves is seeking permission to expand his building envelope with a waiver of the Ridgeline and Hillside District requirements and build the proposed 24 foot by 20 foot shed.

The Board asked if there were alternative locations on the property for the shed to be erected. Mr. Esteves confirmed he has alternate shed location possibilities but he only wants to focus on the proposed location.

Mr. Esteves stated there are eight accessory buildings structures on Indian Ridge properties. He also submitted a list of ten supporting resident signatures who are not opposed to his building plans. Larry Parzyc, resident of 1 Algonquin Drive, reviewed the signatures and stated that all of the supporters were non-compliant themselves. Tracy Plantier, resident of 14 Algonquin Drive, stated that the intent of this neighborhood is to exist in harmony with the mountain's natural landscape and vegetation.

The Board agreed to continue the hearing as it needs time to research the building envelope definition interpretation with legal counsel.

MOTION (MCCLOSKEY, SANDERS): I move that the Board continue the public hearing to July 27, 2016 at 6:45 PM. Approved (3-0).

The hearing ended at 8:47 PM.

8. **Appointment – Constance and Thomas Gould**
Proposed Inground Pool
Gould Residence, 5 Algonquin Drive

Tracey Plantier remained recused because of potential conflict of interest concerns and sat in the audience seating area having declared that she was representing herself and not acting in her capacity as a member of the Planning Board.

Thomas Gould presented his proposed inground pool to be installed by Juliano's Pools. Based on the property design and required setbacks, the pool can only be installed in one location within the existing building envelope. Mr. Gould does not intend to build any type of pool shed or pool storage structure. The installation will require the removal of one tree therefore not creating a visual change impacting the Ridgeline and Hillside District. Mr. Gould is aware of three pools in his neighborhood; two of the pools are located in the proper building envelope. The Board explained that an inground pool is not considered a building and therefore need not be restricted to the building envelope area.

MOTION (SMITH, SANDERS): I move that the Board approve the applicant's request to install an inground pool as presented. Approved (3-0)

9. **Appointment – Attorney Richard Schafer Representing John Charkoudian**
Status of Peak Road for Zoning and Building Purposes
Land of the Charkoudian Family, 19 Peak Road

Attorney Richard Schaffer, representing John Charkoudian, explained that the Charkoudian family is in litigation in Land Court regarding the disposition of land located at 19 Peak Road that is jointly owned by multiple members of the Charkoudian family. Also in attendance were Attorney Michael Callan and his client, Leon Charkoudian. Attorney Schafer requested an opinion of the Planning Board regarding the suitability of Peak Road to provide zoning frontage for residential development. The Planning Board noted that this portion of Peak Road is an unimproved gravel private way that does not meet subdivision standards but declined to offer an opinion as to the suitability of access since no development plan has been presented for consideration.

10. **Appointment - Robert Levesque (R. Levesque & Associates, Inc.)**

Proposed Revision to Phase II – Gardens of Wilbraham, 2301 Boston Road

Robert Levesque appeared to present proposed Phase II Revision Plan consisting of an expanded area containing a two-unit building at the existing end of Lodge Lane in Phase I. Mr. Levesque explained that Phase I proved to be more desirable than Phase II so the Phase II expansion will more closely resemble Phase I designs. Planning Director John Pearsall noted that Mr. Michael Mosier requested this appointment but did not appear before the Board and stated that the Planning Board needs better communication from Mr. Michael Moiser and R. Levesque & Associates, Inc. It was agreed that the project developer should be required to develop long-range plans for the remaining development and short-term plans to address the poor condition of the existing road infrastructure.

MOTION: (PLANTIER, SANDERS): I move that the Board grant administrative approval to allow revised site plans for Phase II of the Gardens of Wilbraham prepared by R. Levesque Associates, Inc. dated May 10, 2016 based on a determination that the proposed site plan modifications do not constitute a major substantive change which would require a special permit amendment. Approved (4-0)

11. **Appointment – Jeffrey Smith**

Special Permit (SP16-01) – Revised Detached Building Plans

Smith Residence, 1 Winterberry Drive

Chairman Smith recused himself because of potential conflict of interest concerns in this matter and relocated from the Board seating area to the petitioner's side of the table representing his own interests in this matter. Jeffrey Smith advised the Board that he is acting on his own behalf, and in his personal capacities, rather than his official role as an elected member of the Planning Board. Vice-Chairperson Tracey Plantier served as Acting Chairperson.

Mr. Jeff Smith presented revised downsized plans reflecting a forty foot by thirty foot custom designed garage structure to be constructed by The Barn Yard & Great Country Garages, a Connecticut based company. The revised plans were in response to cost prohibitive features of his original plans. Mr. Smith modified one of the company's standard products to suit his needs. The building is narrower and shorter than the originally proposed building with the same exterior aesthetic appearance to match his home. It is a one and a half story building with an angled staircase to reach the upper level that will be used for storage purposes. Underground electricity will be the only utility installed. The Board did not have any issues with the revised downsized plans.

Motion (MCCLOSKEY, SANDERS): I move that the Board grant administrative approval to allow revised plans titled "Garage Project for Jeff Smith" (12 pages) prepared by The Barn Yard & Great Country Garages dated June 3, 2016 to replace and supersede previously submitted building and elevation plans approved under special permit (SP16-01) issued April 27, 2016 based on a determination that the proposed site plan modifications represent a reduced building footprint area and do not constitute a major substantive change which would require a special permit amendment. Approved (3-0).

12. **New Applications for Public Hearings – July 27, 2016**

Land of 911 Stony Hill Road, LLC – 690V Stony Hill Road:

A. Sherwin Road Definitive Subdivision Plan

B. Special Permit (SP16-04) – Flexible Nonsubdivision Plan

The Board discussed new applications and agreed to have the plans circulated for review and scheduled public hearings scheduled for July 27, 2016.

13. Julia Way Preliminary Subdivision Plan – Land of Carnevale, 863 Glendale Road

Board Member David Sanders stated that he is an abutter to the property about to be discussed and recused himself and left the room because of potential conflict of interest concerns.

Mr. Carnevale has purchased the former Samble Estate property located at 863 Glendale Road [see minutes of the May 11, 2016 meeting] and has submitted a preliminary plan entitled Julia Way. The proposed plan shows 6 new single-family building lots fronting a new cul-de-sac and two frontage lots including the former Samble residence. The Board agreed to have the plans circulated for review and will discuss the comments at the next meeting on July 27, 2016.

14. NonSub Plan 16-02 – Land of Cowles, 1015 & 1023 Stony Hill Road

Mark Cowles, owner of both 1015 and 1023 Stony Hill Road, is seeking to revise his property lines. There is one home on 1023 Stony Hill Road and Mr. Cowles would like to alter the existing rear property line of this parcel in order to meet the requirements necessary for adding an above ground pool.

MOTION (PLANTIER, SANDERS): I move that the Board approve Nonsub Plan 16-02 as submitted and authorize the Chairman to endorse the plan with the Board's determination that approval under the subdivision control law is not required.

The plan was endorsed by Chairman Smith.

15. ZBA Special Permit Application (Public Hearing – June 30, 2016)

E-Liquids & Vaping Devices Retail Store – Demers Family Realty LLC, 2110 Boston Road

The Board reviewed the ZBA's upcoming public hearing scheduled on June 30, 2016.

16. Old Business

A. Planning Board Vacancy

Chairman Jeff Smith reported that Chuck Pelouze did not have an interest at this time in serving as an Associate Member of the Planning Board. Chairman Smith will set an appointment with the Board of Selectmen regarding the vacancy.

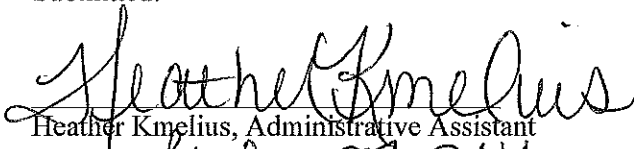
17. Other Business - Reserved for Matters the Chair Did Not Reasonably Anticipate at the Time of Posting


No matters were presented to the Board for review.

Having no further business, the meeting was adjourned by unanimous consent at 10:25 PM. The Board will reconvene at its next scheduled meeting on Wednesday, **July 27, 2016 at 6:00 PM** in the Selectmen's Meeting Room.

Submitted:

Approved As To Form And Content:


Heather Kmelius, Administrative Assistant
Date: July 27, 2016


John McCloskey, Clerk
Date: 7/27/16